III. GENERAL PROCEDURES

Regional office staff spend a considerable amount of time organizing claim files and materials for efficient examination. Several areas must be considered before beginning claim examination in a basin. This chapter identifies some of these areas and provides general guidelines.

	TABLE OF CONTENTS	Page
Α.	PUBLIC MEETINGS	3 (3 (
		30
В.	STANDARD MEASUREMENTS OF WATER 1. Conversions	32 32 32
C.	CENTRALIZED RECORD SYSTEM	34 34 34 35 35
D.	PRE-EXAMINATION OFFICE ORGANIZATION	36 37 37 39 40
	d. Claim Folder Stamp 3. Stamp To Identify Supplemental Forms. a. DNRC Supplemental Document Stamp b. Claimant Supplemental Document Stamp 4. District Court Decrees. 5. Decree Index. 6. Basin Files 7. Aerial Photographs a. Sectionalizing Procedure b. Aerial Photograph Storage. c. Aerial Photograph Indexes. d. Ordering Aerial Photographs.	40 41 41 41 42 42 44
E.	WATER COURT CORRESPONDENCE 1. Witness Notification Memorandums 2. Field Investigations 3. Mis-Basined Claims 4. Implied Claims 5. Late Claims 6. Post-Decree Revisions	46 46 48

A. PUBLIC MEETINGS

- 1. <u>Purpose.</u> Public meetings are a method of acquainting the public with the general procedures of the adjudication process or the department's claim examination process. They may also be used for specific purposes such as
 - gathering facts and information for accurate claim examination within a basin related to
 - flow rate, volume, and period of use for irrigation that may include the usual and customary method of irrigation, crops grown, and growing season within a basin or subbasin; and
 - flow rate, volume, and period of use for other uses of water within a basin or subbasin; and
 - providing the public with information on using the decrees, decree indexes, availability of materials at the regional offices, and the objection process.
- 2. <u>Planning.</u> Public meetings should be held at a time and place appropriate to the material being presented and convenient to the participants. Two or more public meetings on a single issue may be necessary for larger basins.

Determining the need for a public meeting and the items to be discussed will be a joint effort between the regional office staff and the program manager. The planning process should consider

- persons needed as presenters,
- preferred date and alternatives,
- meeting location (time, town, building, room, adequate seating),
- equipment (public address system, projector and screen, tape recorder, etc.),
- checking for potential conflicts with other meetings or events, and
- checking for possible sponsor (county commissioners, extension agents, etc.).
- 3. <u>Notification</u>. Preparation of news releases will be coordinated by the program manager. Meetings will be announced using one or more of the following: radio stations, newspapers, or television stations which have general coverage in the appropriate area. The water court and certain other parties may be notified directly. In addition, notices may be posted in various public locations in the area. Suggested locations for notices and people to notify are:
 - Regional Office
 - Clerk of Court
 - Clerk and Recorder

- Library
- SCS
- ASCS
- Forest Service, BLM, BIA, BOR, etc.
- County Commissioners
- County Extension Agent
- Conservation Districts
- Legislators
- Attorneys and consultants active in water rights
- Seed company, fertilizer company, grain terminal, etc.
- Irrigation company, implement supply dealer, etc.
- Farm supply dealer, tire dealer, etc.
- Post Office
- Banks, Production Credit Association, Federal Land Bank
- Chamber of Commerce
- Schools, gymnasiums
- Grocery store

B. STANDARD MEASUREMENTS OF WATER

- 1. <u>Conversions.</u> The Supreme Court rules have adopted standard water measurements for flow rate and volume to ensure consistency and to comply with §85-2-103, MCA. The following conversions will be used in determining equivalent flow rates and volumes:
 - forty (40) statutory or miner's inches (MI) = 1 cubic foot
 per second (cfs);
 - one (1) miner's inch (MI) = 11.22 gallons per minute
 (gpm);
 - one (1) cubic foot per second (cfs) = 448.8 gallons per minute (gpm); and
 - one (1) acre-foot (AF) = 325,851 gallons.

For additional information about standard measurements, Figure III-1. For common abbreviations used for water measurement, Exhibit III-1.

2. Reporting Flow Rate And Volume. Generally, flow rates were claimed in cubic feet per second (cfs), miners inches (MI) or gallons per minute (gpm). As claims were originally stored in the computer data base, flow rates in units of miners inches (identified as "MI") were converted by the computer to cubic feet per second (identified as "C").

The department's examination report and decree abstracts will identify units of water measurement only in gpm or cfs in compliance with \$85-2-103, MCA.

- a. <u>Flow Rate.</u> The standard units for flow rates are as follows:
 - Less than one (1) cfs will be converted automatically by the computer into units of gallons per minute.
 - Equal to or greater than one (1) cfs will be manually standardized to units of gallons per minute or cubic feet per second to best suit the system, or the customary reference for the means of diversion, area, or claimant. No conversions will be applied by the computer.

Flow rates equal to or greater than one cfs may be converted manually during examination to either gpm or cfs to best suit the system, or the customary reference for the area or claimant. All conversions, whether manual or automatic, will be made using the equivalencies described above.

b. <u>Volume</u>. Volumes will be in units of acre-feet (AF) or gallons (g). All conversions, whether manual or automatic, will be made using the equivalencies described above.

FIGURE III-1 GENERAL WATER CONVERSION TABLE

One cubic foot of water equals or or	62.4	gallons pounds cubic inches
One cubic foot per second (cfs) equals or	448.83 1.0 0.99 1.983 724.0 646,315.2	gallons per second gallons per minute acre-inch per hour acre-feet per 12 hours acre-feet per day acre-feet per year gallons per day Miner's Inches Montana (1 Miner's Inch = 11.22 GPM)
One acre-foot of water equalsor	325,851.0 43,560.0	gallons cubic feet, or one foot of water on one acre
One gallon of water equalsor	231.0	pounds cubic inches cubic feet
One gallon per minute equalsor		gallons per day cubic feet per second
100 gallons per minute equals	0.442	acre-feet per day
1,000,000 gallons per day equals	694.0 3.07	cubic feet per second gallons per minute acre-feet per day acre-feet per year
1 foot of water pressure equals	0.433	pounds per square inch
1 pound per square inch equals	2.31	feet of water pressure

C. CENTRALIZED RECORD SYSTEM

A centralized record system for claims is maintained by the department. This system is composed of three parts:

- numbered files of original claim forms and documentation submitted by the claimants along with related materials added by the department and water court;
- a computer record system which is initially the claimed information as clarified by the department;
- a microfiche record of each numbered claim file.

All water right information as claimed can be found in the claim file or microfiche record maintained by the department. The claim files and microfiche records are progressively updated to document each stage of the adjudication process.

1. <u>Changing The Record.</u> The department will not change the claimed elements of a water right in the computer record system except as specified below.

a. Prior To Issuance Of A Decree:

- As specifically ordered or directed in writing by the water court.
- To comply with standard measurement of water (§85-2-103, MCA), changes in appropriation rights (§85-2-402, MCA), and water right transfers (§\$85-2-421 through 85-2-426, MCA).
- As specifically allowed and directed by the water right claim examination rules.
- To reflect a claimant's amendments to a claim.

b. After Issuance Of A Decree:

- As specifically ordered or directed in writing by the water court.
- In compliance with changes in appropriation rights (§85-2-402, MCA), and water right transfers (§§85-2-421 through 85-2-426, MCA).
- To correct errors in an owner name or address, such as a change of address.

c. <u>Method</u>. To change an element of a water right in the computer record, an amendment, code sheet, worksheet, review abstract, or decree abstract must be submitted to the processing staff in Helena. No change should ever occur without documenting an explanation in the claim file along with the materials used to process the change.

When a change does not involve an amendment, make the change on an examination worksheet or appropriate abstract. If one of these forms is not available, request one from the records section. Forms requesting changes will be coded (if necessary), keypunched, microfilmed, and placed in the claim file.

When a change involves an amendment, refer to section XI.A. for processing instructions.

- 2. <u>Public Access.</u> All department records pertaining to the adjudication of water rights are public records and therefore open to inspection by any person as provided in §2-6-102, MCA. Prior to final decree anything in the file is part of a work in progress and may be subject to change.
- 3. <u>Copies.</u> For parties requesting reproductions of department materials, fees will be charged and collected at rates established by the department. Reproduced materials for which costs will be recovered include, but are not limited to, photocopies, copies from microfilm, copies of microfilm, and computer generated materials.

Any person may obtain a copy of a decree issued by the water court. They are available from the department for a fee of \$20.00 or the cost of printing, whichever is greater, in accordance with \$85-2-232(2), MCA. Indexes of decrees may be obtained for a fee of \$12.50 or the cost of printing, whichever is greater.

35

PRE-EXAMINATION OFFICE ORGANIZATION D.

For the examination process to proceed in an orderly and efficient manner, an organized examination system must be set up in each regional office. Due to differences in physical layout, budget priorities, and personnel, individual regional office organization is left to the regional manager and adjudication specialist.

- Pre-examination Steps. This section contains a synopsis of organizational work which should be completed prior to examination.
 - Obtain materials necessary for checking claims. a.
 - scaled grids and/or planimeter for checking acreage
 - (2) calculators
 - Water Resources Survey books and field (3)
 - computer claim indexes by drainage basin (4)
 - (5) mylar
 - department and claimant supplemental (6) document stamps
 - claim folder stamp
 - Sectionalize aerials. b.
 - Develop index of aerials, WRS aerials, c. orthophotoquads.
 - Identify basin boundary on topographic maps. d.
 - Log in all claims. e.
 - Place examination worksheets in folders. f.
 - Obtain all district court decrees. q.
 - Develop list of invalid Notices of h. Appropriation.
 - Develop file of supplemental forms. i.
 - code sheets POU, POD, Remark, Reservoir (1)
 - questionnaires (Pump, Reservoir, Other (2) Uses, etc.)
 - interview report form (3)
 - Notice Of Intent To Conduct Field (4) Investigation
 - (5) field investigation report form(6) map and overlay labels

 - (7) associated flags
 - (8) basin correction forms
 - supplemental rights form (9)
 - (10) name/address correction form
 - (11) implied claim form labels
 - (12) amendment forms
 - (13) withdrawal forms
 - Develop decree indexes for recording j. documentation.
 - Complete source name standardization. k.

36

Start list of claims with interbasin transfer. 1.

- m. Have readily available to everyone examining claims:
 - (1) basin boundary map
 - (2) climatic area map
 - (3) basin map to plot field investigations
 - (4) interbasin transfer list
 - (5) list of invalid Notices of Appropriation

Microcomputer Diskette Of Forms And Letters. Each regional office has been provided with a microcomputer diskette encoded with example forms and letters. A directory of names and descriptions of the items on the diskette is included on the diskette. Many of the files on the disk have to be modified to fit local conditions.

The diskette also contains some example data base files - use of these files will greatly enhance interoffice consistency. Because the data base programs must have room to expand, they should be moved to other diskettes as necessary. For further information on use of the diskette, consult the regional office program assistant.

2. Claim Organization.

a. <u>Logging Claims</u>. It is essential that the location of claims be known at all times. A record of all incoming and outgoing claims must be maintained by all regional offices and the records section in Helena. This record keeping system must record date and destination for each claim sent or received. The purpose of this system is to guard against misplacing or losing claims, and to help locate the "hard copy" of any claim.

When Helena sends claims to a regional office for a particular basin, the records section will record the date sent and destination. The regional office will record date received for incoming claims. The reverse process will be used when claims are returned from the regional office to Helena. Whenever claims are sent from Helena to a regional office, to the water court, or vice versa, a note will be included stating the basin and total number of claims being sent in each box.

The destination codes for records in Helena, water court, and each regional office are:

Records Section (Helena)	H-1
Water Court	WC
Billings Regional Office	FO-3
Bozeman Regional Office	FO-1
Glasgow Regional Office	FO-7
Havre Regional Office	FO-4
Helena Regional Office	FO-5
Kalispell Regional Office	FO-8
Lewistown Regional Office	FO-6
Missoula Regional Office	FO-9

Claims needed by the water court will normally be sent through Helena for forwarding to the water court. Claims may be forwarded directly to the water court but must be accompanied by a memorandum to the court identifying the date sent, claim numbers, and the office sending the claims. A copy of the memorandum must be sent to the records supervisor. Should water court or department personnel remove a claim from the regional office, the claim must be logged out to that person.

PLEASE DESIGNATE ONE PERSON IN EACH REGIONAL OFFICE TO DEAL WITH CLAIM LOGGING

Claim Log Sheet Index. One method for recording the location of claims is by using a claim log sheet index. Exhibit III-2 is an example of this index. The index lists all claims in the basin in numerical order. A copy of this index will be supplied to the regional office at the beginning of a basin claim examination. Extra copies of this index may be requested when staff of more than one regional office examine claims in a basin.

Computer Data Base. An alternative for recording the location of claims in the Claim Log Sheet Index is to establish a data base on the regional office microcomputer. A diskette can be supplied by the records section supervisor containing all the claim numbers for a basin or subbasin. In establishing the data base, the following categories are suggested.

- Claim ID number
- Claim location
- Date claim sent/received
- Worksheet location
- Date WS sent/received
- WS attachments
- 1st review abstract location
- Date 1st RA sent/received
- 1st RA attachments
- 2nd Review Abstract location
- Date 2nd RA sent/received
- 2nd RA attachments
- 3rd Review Abstract location
- Date 3rd RA sent/received
- 3rd RA attachments
- Comments

There may be other categories which a particular regional office may find useful such as:

- Type of Claim
- Subbasin
- Examiner
- Claims within Indian reservation

Whenever claims, worksheets, or review abstracts are sent from the regional office, a printout sorted numerically by claim number

should be included with the sent materials. It would be helpful if the printout also included the date sent and number of attachments for each claim.

- b. <u>Claim Storage</u>. Develop a filing system to organize claim files in a way that will allow easy location of the claim files through all stages of the examination process. Following is a recommended system for dividing drawers/boxes into specific categories to allow for easier access and location of claim files.
 - <u>Unexamined Claims</u>. Claims for a basin are sent from Helena to the regional office in numerical order in labeled file folders. These claims should be stored numerically prior to being pulled for examination.
 - Examination Completed. Claims organized numerically where examination has been completed but the examination materials have not been sent to the records section in Helena for processing.
 - <u>Examination Worksheet/Review Abstracts Out.</u> Claims where completed examination materials have been sent to the records section in Helena for processing. These claims should be organized numerically and will include:
 - i) Review Abstracts Not Returned
 - ii) Review Abstracts Returned Not Checked
 - iii) Review Abstract Sent For Further Coding
 - Examined And Reviewed. Claims organized numerically where all examination and review abstract work and processing has been completed. These claims require no further action prior to the issuance of the department's examination report.

Action Pending. Claims being examined which need additional work. These claims should be sorted separately, either in a designated area, or at each examiners desk. Since action pending claims may be comprised of a variety of pending issues, they should be organized alphabetically by owner name. The action pending file may be comprised of a variety of pending issues such as:

- Claimant Contact. Preliminary review of claims where a response from or interview with the claimant is pending.
- Field Investigation. Claims where a scheduled field investigation is pending.
- Program Manager. Claims to be sent to program manager for review or have been returned but not finally processed.

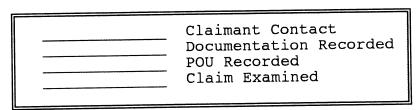
39

- Water Court Assistance. Claims to be sent to the water court for review (generally for possible implied claims) or have been returned but not finally processed.
- c. <u>Computer Indexes Of Claims</u>. Five computer indexes (1-5 below) will be generated for each drainage basin to cross reference claims during claim examination. Other indexes (6 and 7) exist but will be printed only at the request of the regional offices. If any of these indexes need to be sorted differently, or if other indexes are needed for specific purposes, contact the records section supervisor.

Compu	ter
Index <u>es</u> Repor	t Name
(1) Owner SAIXO	W
(2) Source SAIXS	С
(3) POD SAIXP	D
(4) Priority Date SAIXP	R
(5) Numerical SAIXN	M
(6) Uses SAUSE	S
IR	
DM	
ST	
ОТ	
(7) Reservoir (Volume > 15AF) SARES	15

Put indexes into binders with labeled tabs for easy cross referencing.

each regional office for labeling the front of each claim folder with a checklist. Claim folders may be stamped prior to examining claims. The checklist on the front of the claim folder reduces confusion as to whether a claim has been completely examined. Its format is:



- 3. Stamp To Identify Supplemental Forms. Two different supplemental document stamps will be kept in each regional office to identify documents added to the claim file during claim examination. The purpose of these stamps is to differentiate between documents added by the reviewer and the claimant.
- a. <u>DNRC Supplemental Document Stamp.</u> Stamp any supplemental forms, maps, documents, worksheets, etc. added to the file by the reviewer which might be confused with paperwork

submitted by the claimant with the DNRC supplemental document stamp. Every code sheet used by the reviewer must be identified as a DNRC supplemental document. Its format is:

DNRC Supplemental Claim #	Document	

b. Claimant Supplemental Document Stamp. Stamp any documents, amendments, maps, letters, etc., received from the claimant or the claimant's representative after receipt of the original claim with the CLAIMANT supplemental document stamp. Some documents may have been added to the claim file after 4/30/82 without being stamped. If so, stamp them at this time. The stamp's format is:

CLAIMANT					
Supplemental Claim #	Document				

4. <u>District Court Decrees.</u> Obtain complete copies of district court decrees in a basin as needed or at one time prior to examining a basin. The decree index (compiled at time of Water Resources Survey) may be a sufficient listing of the decrees.

It is suggested that any water right decrees entered after the decree index was compiled be obtained, along with all decreed supplements (petitions) to appropriate water from decreed streams after the initial decrees were issued. The obtained decrees should be indexed for easy cross reference.

5. <u>Decree Index.</u> A record of the documentation that accompanies a claim will be maintained for decreed rights. The purpose of this record keeping system is to check for the possibility of claims exceeding the original amount of water appropriated. See Irrigation: Flow Rate, Recording Documentation.

Copies of the Water Resources Survey Decree Indexes for sources in a basin should be put in a binder. Since these indexes are not complete or up to date, the form shown as Exhibit III-3 should be in the front of the Decree Index.

To make this index more usable, photocopy it onto $8\frac{1}{2}$ x 14" paper to provide extra room for recording documentation. If space becomes limited for recording documentation, use additional blank pages or Exhibit III-3.

6. <u>Basin Files.</u> A file should be set up for each basin in the regional office area for information regarding those basins;

41

e.g., the interbasin transfer list for basin A should be included in basin B file.

Break each file into subparts, as necessary, such as:

- general basin information
- log of late claims
- review information for decree
- water court notices and findings
- review for objections
- objections
- objections list
- reports to legal staff
- reports to water court
- log of field investigations conducted in basin during examination

A basin file organized like this retains all pertinent objection materials, report copies, lists of potential problems, etc. in easily found categories.

Each basin file should contain a synopsis of examination progress. Exhibit III-4 is a suggested format. Knowing dates at various stages of the examination process is useful for planning, reports, etc.

7. <u>Aerial Photographs.</u>

a. Sectionalizing Procedure.

Materials. The following is a suggested list of materials necessary to sectionalize aerial photographs.

- orthophotoguads with land lines
- USGS topographic maps
- GLO plats (General Land Office)
- proportional dividers and regular dividers
- straight edge or ruler
- red colored pencils or pens
- gum eraser or solvent
- 2" x 4" adhesive labels
- 4" grid and other necessary grids
- rapidograph marking pens and ink

<u>Procedure.</u> Sectionalizing is a process that requires locating section corners on a known data source, such as a topographic map or orthophotoquad, and transferring them onto aerial photographs.

Aerials should be sectionalized in numerical order (exposure number) within each roll number. By sectionalizing aerials in numerical order, five to six section corners of one aerial will overlap on the next aerial. Overlapping section corners can be easily transferred and are a good starting point when beginning a new aerial.

Orthophotoquads with land lines should be used as the data source for determining known section corner locations. If an orthophotoquad is not available, use topographic maps and GLO's, or ASCS soil survey aerial photos that have already been sectionalized.

When orthophotoquads are used, visual interpretation between the orthophotoquad and aerial is the best method for locating section corners. Proportional dividers should be used to approximately locate each section corner. Due to the different percent distortion of the two maps, proportional dividers will not be totally accurate. A four-inch grid may be helpful in approximating section corners once one of the four corners has been determined.

The outer perimeter of the aerial photograph should generally not be sectionalized due to a high percent of distortion. Mountainous country containing no apparent irrigable land should only be sectionalized as needed, or if section corners exist on the orthophotoguad.

Tracts of unsurveyed terrain appear on topographic maps and orthophotoquads as areas with no land lines. Corresponding areas on the aerial photographs can be left unsectionalized.

Section corners should be drawn on the aerial photographs in the same location and configuration indicated on the orthophotoquad or topographic map. A red pencil and straight edge may be used for drawing section corners. For a permanent record, the section corners should be inked using a rapidograph marking pen.

The section number should be written in the center of each section on the aerial photo. Major streams, creeks, rivers, lakes, and reservoirs should be labeled according to the standardized source name list. It is suggested that this labeling be done in red pencil or ink. Care should be taken that important features on the aerial photograph are not obscured.

The name of the orthophotoquad or USGS topographic map used to sectionalize the aerial may be printed at the top of the aerial for easy cross reference. The adjacent photo numbers may be placed on the sides of the photo for easy reference.

A 2" x 4" adhesive label may be made for each aerial photograph listing the township, range, and sections for each county on the photograph. Place it in the upper right hand corner under the photonumber. An example label is:

T4S R2E MA
Section 34, 35, 36
T5S R2E MA
Section 1, 2, 3, 4, 9, 10, 11,
12, 13, 14, 15, 16

43

Make a label for each county appearing on an aerial photograph. It is suggested that the labels be printed in black ink with a rapidograph pen, or typed.

b. <u>Aerial Photograph Storage</u>. Store aerial photographs in groups by roll number, county, or basin. See Exhibit III-5. The aerials within each group (e.g., roll number) should then be kept in numerical order by exposure number.

An aerial photograph's clarity can be diminished or marred by abrasion and friction. Storing photos vertically, e.g., hanging in a Plan Hold cabinet, reduces this type of wear.

c. <u>Aerial Photograph Indexes</u>. Develop aerial photograph indexes so photographs can be quickly and easily retrieved. The index should indicate the preferred photo for mapping a POU when sections are covered by more than one photo.

The following are options presently used in regional offices.

- A book-like index may be organized by township, range, and section, using forms shown in Exhibit III-6. Each section in a township has the corresponding photo numbers indicated. The indexes for the regional office area can be arranged by county or basin within one book or as separate books. This index shows when more than one aerial exists of the parcel being examined. Due to the potential difference in clarity between photographs, it could be important to know that several photos cover the same area.
- A map of the basin (BLM or Forest Service map) can be used on which the coverage of each aerial is identified and labeled. This index gives a pictorial view of the coverage of a parcel being examined.

Orthophotoquads may also be indexed by these methods. Index orthophotoquads by name. USGS Quadrangle Map indexes can easily be converted for use as orthophotoquad indexes.

d. Ordering Aerial Photographs. Send requests for aerial photographs to the program manager. The request should list the needed photographs by county, and then by ascending roll and exposure number. The request should also contain a statement justifying the need for the photographs. The photographs ordered will be 24" X 24" (1 inch = 1320 ft.), unless stated otherwise in the request.

When putting the request together, normally order only every other photograph in the flight line. Exceptions might be around the basin periphery where two photographs in sequence may be necessary for complete coverage.

44

Exhibit III-7 lists available flight years for each county in Montana. For each flight year, the number of indexes is listed. These indexes, which are used for ordering photographs, are available in either hard copy or microfiche. If the indexes are not available at the regional office, they may be ordered. It is suggested checking with the records section supervisor or local ASCS office to use their indexes if available.

A pictorial view of the orthophotoquad mapping status for Montana is shown as Exhibit III-8. If orthophotoquads with land lines are available, they should also be ordered to assist in sectionizing aerial photographs.

45

E. WATER COURT CORRESPONDENCE

Correspondence from the regional offices to the water court is an every day occurrence. Usually this correspondence is in the form of responses to requests made by the water court or requests from the department for water court assistance.

With the exception of the Witness Identification Memorandum and the Late Claim Notification Memorandum discussed below, all written correspondence to the water court will be reviewed by the Helena central office for quality, content, and consistency. This procedure assures assistance to the water court is consistent and serves as a mechanism for keeping staff in Helena informed of developments and issues at the regional office. Further, it allows a record of orders and requests for assistance to be maintained.

If a deadline is established by the water court, a draft of the document should be sent to Helena in advance so that sufficient review is possible. E-mail is the recommended method for sending drafts to Helena. Once the document is finalized, attach a "Do Not Stamp Received" flag and route it to Helena. In situations where the water court request requires an immediate response, send only a copy of the final document to Helena.

After the document has been reviewed, the original or copy will be given to the records section for filming. The front page of the document will be copied and sent to the regional office with a short 'memo' confirming approval and filming. The original will be forwarded to the water court.

Throughout the manual, the different procedures for water court correspondence are discussed. Described below are the primary areas where correspondence is sent to the water court.

- 1. Witness Notification Memorandums. Water court orders received directly from the water court are to be photocopied and mailed to the Helena central office. If the water court has already sent the central office a copy, this step is not necessary. If the order requires notification of the name and phone number of the department's witness who will be participating in the status conference, hearing or prehearing conference, a response memorandum should be prepared (See Figure III-2). Send the original response to the water court at least three working days prior to the deadline set in the order. If the order requests the department to notify all other parties, send those individuals a copy of the response memorandum. In addition, a copy of the memorandum should be sent to the Helena central office.
- 2. <u>Field Investigations</u>. See "Examination Materials and Procedures: Field Investigations".
- 3. <u>Mis-Basined Claims.</u> See "Claim Examination: Point of Diversion".

FIGURE III-2 WITNESS IDENTIFICATION MEMO (Regional Office Letterhead)

TO:

Kathryn Lambert, Water Master

Montana Water Court

FROM:

Jim Gilman, Water Resources Specialist

DATE:

May 1, 1991

SUBJECT:

Case No. 41G-84

CLAIMANT(S): Lombardi Ranches, Inc.

The appropriate person to assist the Water Court in the above mentioned case is Kathy Arndt, Water Resources Specialist in the Helena Water Resources Regional Office. She will be available on the appointed date and time at the [*] Helena Regional Office, phone number: 444-6695.

cc: (other parties)

^[*] If the hearing or conference is to be held in person at some location, use the following format at this point. (e.g. Whitehall Public School, Whitehall, Montana)

- 4. <u>Implied Claims.</u> See "Special Provisions: Implied Claims".
- 5. <u>Late Claims</u>. For late claims received in a decreed basin, send a late claim notification memorandum (Figure XI-4) directly to the water court. Place a copy of the memorandum in the claim file. For additional late claim correspondence, see "Special Provisions: Late Claims".
- 6. <u>Post-Decree Revisions.</u> See "(Temporary) Preliminary Decree: Post-Decree Revisions".